

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. CR-1-05-048
	:	
Plaintiff,	:	Judge Dlott
	:	
v.	:	
	:	
SAMUEL PETER NICKOLAS,	:	<u>MOTION FOR CONTINUANCE</u>
	:	<u>OF HEARING DATE</u>
Defendant.	:	

Now comes Defendant, Samuel Peter Nickolas, by and through counsel, and respectfully moves the Court for a continuance of the Supervised Release Revocation Hearing trial date in this matter because counsel will need additional time to interview and subpoena witnesses and to prepare for the hearing scheduled for May 17, 2005.

As background, a petition was filed alleging that Defendant Nickolas violated the terms of his Supervised release by making false statements to the FAA in an application for a pilot's license. On April 1, 2005 Magistrate Judge Hogan issued an Order finding that there was probable cause for the violation and referring the matter to this court for final disposition. Since that time, counsel has attempted to resolve this matter with the United States, through discussions with Assistant U.S. Attorney Amul Thapar but unfortunately, on March 12, 2005, counsel was notified that no

resolution could be reached.

A continuance of the hearing date is required so that counsel may have additional time to prepare for what could be a rather lengthy revocation hearing. Specifically, there is a need to interview additional witnesses and to obtain records from the FAA prior to the final disposition of this matter. Counsel believes that the documents sought are may be maintained by the FAA at a several facilities, including an FAA facility in Des Plaines, Illinois. Based upon the need to complete this work prior to hearing, and based upon counsel's trial and training schedule, a continuance of at least 45 days is necessary.

Counsel for Defendant Nickolas has discussed this continuance with Amul Thapar, Assistant United States Attorney, and Mr. Thapar has no objection to the continuance requested herein.

Wherefore, Samuel Peter Nickolas respectfully requests that this Court continue the hearing date to a time mutually convenient to this Court and counsel.

Respectfully submitted,

STEVEN R. KELLER,
FEDERAL PUBLIC DEFENDER

s/W. Kelly Johnson

W. Kelly Johnson

Assistant Federal Public Defender

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Counsel for Defendant

Samuel Peter Nickolas

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Amul Thapar,
Assistant United States Attorney, by electronic filing on May 16, 2005.

s/W. Kelly Johnson

W. Kelly Johnson